

Application No. 10/656,622

REMARKS

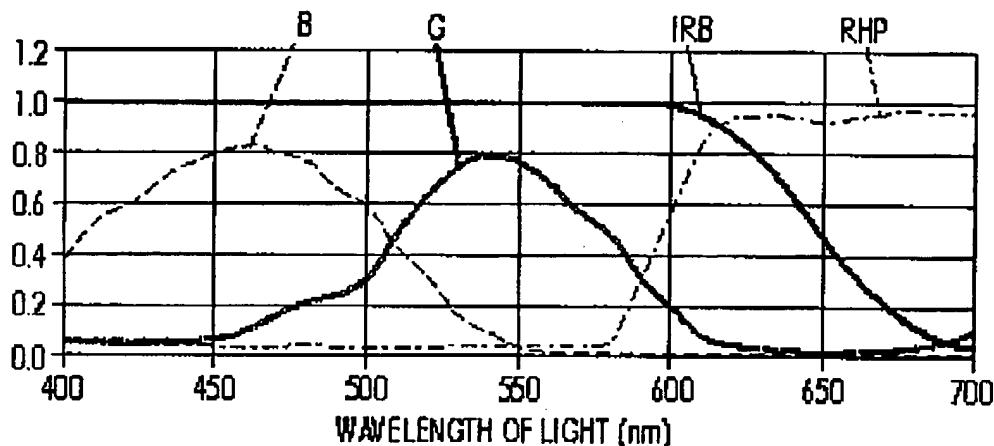
In the above Amendment, claim 1 has been slightly amended to make a reference to a range of wavelengths self-consistent. No change in the scope of the claim should be construed.

In the Office Action, claims 1-4 have been rejected under 35 USC 103(a) in view of Mueller. The rejection points to column 5, lines 15-25 of Mueller, as well as filters 118 and 120.

As amended, pending claim 1 recites, *inter alia*: "a first light-transmissive filter for **admitting** light of orange and longer wavelengths to the first set of photosensors; and an infrared filter for **blocking** light of a substantially orange wavelength and longer wavelengths to the first set of photosensors" (emphases added). It will be noted that the first filter *admits* light of longer than a certain wavelength, while the second filter *blocks* light of longer than a certain wavelength.

An instance of claim 1 is shown by the filter arrangement of Figure 5 of the Specification as filed:

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The filter with the behavior marked RHP (red high-pass) is acting like the first filter in claim 1, because it *admits* light of longer than a certain wavelength, and the filter with the behavior marked IRB (infra-red blocker) is acting like the second filter in claim 1, because it *blocks* light longer than a certain wavelength. The combined effect of the two filters—the “upward” portion of RHP coupled with the “downward” portion of IRB—yields a total curve which, as can be seen in the Figure, peaks at about 620 nm (where IRB and RHP cross) and thus roughly approximates the orange O response of the human eye, as shown in Figure 4 of the Specification as filed.

Turning to the Mueller reference, the two filters 118 and 120 which were cited against the claims are fully described in Mueller at column 4, line 66-column 5, line 3:

Filter 118 is a colored glass filter that blocks light having wavelengths shorter than 380 nm and *transmits wavelengths longer than 380 nm*. Filter 120 is a dielectric interference filter that blocks wavelengths shorter than 760 nm and *transmits wavelengths longer than 760 nm*. (Emphases added)

It is clear from the total description of Mueller that the two filters, even though they have different inflection points, are **both** “high-pass”: each filter

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admits light of a certain wavelength and longer. What is missing from Mueller is a second filter as in claim 1, a filter which **blocks** light of longer than a certain wavelength, such as the IRB filter of Figure 5 of the Specification as filed. Absent **both** an "admitting" and "blocking" filter as in claim 1, the effect such as shown in Figure 5 of the Specification as filed cannot be obtained in Mueller. Mueller does not disclose the combination of an admitting and a blocking filter, nor does it suggest why such a combination of filters would be desirable. For this reason claim 1, along with its dependent claims, cannot be obvious in view of Mueller.

Claim 5 has been rejected over Mueller in view of Solomon. Whatever the disclosure of Solomon, Claim 5 is deemed allowable as being dependent from claim 1, the patentability of which has been argued above.

New claims 6-8 have been added. These claims are deemed allowable as being ultimately dependent from claim 1, the patentability of which has been argued above.

The claims are therefore in condition for allowance.

No additional fee is believed to be required for this amendment; however, the undersigned Xerox Corporation attorney authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025.

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In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-3811, Rochester, NY.

Respectfully submitted,



Robert Hutter
Attorney for Applicant(s)
Registration No. 32,418
Telephone (585) 423-3811

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RH/fsl
Xerox Corporation
Xerox Square 20A
Rochester, New York 14644